

1 Honorable Benjamin H. Settle
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
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14 NATHEN BARTON,
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16

Plaintiff

v.

SERVE ALL, HELP ALL, INC.; and
JOHN DOE 1-10,

Defendants.

CASE NO. 3:21-cv-05338

DECLARATION OF NATHEN
BARTON IN SUPPORT OF
MOTION TO DEEM ADMITTED

17 PLEASE TAKE NOTICE that Plaintiff Nathen Barton (hereinafter referred to as
18 "Plaintiff") moves the Court to deem admissions admitted.

19 I. INTRODUCTION

20 On May 7, 2021, I did file an action captioned Nathen Barton v. Serve All, Help All, Inc.
21 ("SAHA"). et al, in the United States District Court, Western District of Washington with cause
22 number 3:21-cv-05338-BHS.

23 Defense Counsel Donna Gibson appeared for SAHA on June 30, 2021, and directed all
24 parties to "Please send all further notices, pleadings, except for original process to Donna

1 Gibson, Law Office of Donna Beasley Givson, 1204 Cleveland Ave., Mount Vernon, WA
2 98273”

3 The 26(f) conference for this case was scheduled and took place on July 23, 2021.

4 During that 26(f) conference, I brought up the subject of email of motions and documents
5 and discovery by email instead of regular mail, and both parties agreed.

6 I told Donna Gibson that I had already printed up and put for mailing three discovery
7 documents, but in the future I would email as we agreed.

8 On that day, July 23, 2021, I mailed “PLAINTIFF’S FIRST REQUEST FOR
9 ADMISSION” (“Admissions”) to that address via USPS first class mail with tracking number
10 9400111108296531530656.

11 The United States Post Office reports delivery of the package on July 26, 2021.

12 The morning of August 30, 2021, I had not received answers to the Admissions, nor
13 received objections or any response whatsoever.

14 Late morning on August 30, 2021, I called Donna Gibson to inquire about the
15 Admissions and the other discovery documents sent on July 30, 2021.

16 I reached Donna Gibson and she professed to never have received the package.

17 I reviewed the shipping address and tracking information, and do believe the discovery
18 request was properly mailed, and delivered by the post office.

19 I believe the ‘missing’ package is a delay and intimidation tactic to take advantage of a
20 pro-se plaintiff.

21 **II. MOTION**

22 According to FRCP 29, FRCP 36(a)(3), SAHA had 30 days to respond to the
23 Admissions, or they are deemed admitted unless the court orders otherwise.

1 Plaintiff testifies to all these facts in the Declaration associated with this Motion.

2 Plaintiff asks this Court to deem the Admissions admitted so he may proceed with this action
3 appropriately informed.

4 **III. REQUEST OF THE COURT**

5 Plaintiff requests the Court order that for the forgoing reasons, the Admissions in the
6 attached Exhibit B are deemed admitted by SERVE ALL, HELP ALL, INC., for the purposes of
7 this civil action 3:21-cv-05372.

8
9 _____
s/ Nathon Barton _____
(signed)

_____ 8/30/2021
(Dated)

10
11 Nathon Barton
(718) 710 5784
12 4618 NW 11th Cir
Camas WA 98607
13

14 **CERTIFICATE OF SERVICE**

15 I certify that a true and accurate copy of this document was served on the Defendant's counsel of
16 record via Email on 8/30/2021 as agreed to in the 26(f) conference held on July 23, 2021.
17

18 _____
s/ Nathon Barton
Nathon Barton
19

_____ 8/30/2021
(Dated)

1 Honorable Benjamin H. Settle
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

10 NATHEN BARTON,
11

Plaintiff

12 v.
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SERVE ALL, HELP ALL, INC.; and
JOHN DOE 1-10,

Defendants.

CASE NO. 3:21-cv-05372

[PROPOSED] ORDER
DEEMING ADMITTED

15 ORDER

16 THIS MATTER came before the Court on Plaintiff's MOTION TO DEEM ADMITTED.

17 Having considered the matter, as well as the pleadings and records in the Court's file and the
18 relevant legal authorities, the Court is full informed. It is HEREBY ORDERED:

19 In the above captioned matter, the Requests for Admission attached as Exhibit B to
20 Plaintiff's Motion to Deem Admitted in the above captioned case be deemed admitted against
21 defendant Serve All, Help All, Inc.

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23 Dated this _____ day of _____, 2021.

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Judge of District Court
Clark County, Washington

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4 APPROVED AS TO FORM
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6 s/ Nathon Barton
7 Nathon Barton, Pro Se
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